

Legislative Update

Volume 1, Issue 1

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■-□-■ WELCOME ■-□-■

This Week:

- Welcome
- Feature Program:
Older American's
Act
- 2005 Legislative
Proposals

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Department of Elder
Affairs Website](http://www.state.ia.us/elderaffairs)

Welcome to the first edition of the Department of Elder Affairs Legislative Update. Our colleagues at Department of Human Services and the Department of Public Health have inspired us to produce this newsletter. We would especially like to thank Kate Walton and Lynh Patterson for their inspiration. In addition to ongoing legislative information, we will also provide a brief summation of a Departmental program or other important Departmental information in each Legislative Update. The Legislative Update is produced for informational and educational purposes only. To save on distribution costs, the Department will be sending the Update electronically, as well as making it available on the Department's website at www.state.ia.us/elderaffairs. The Update will be published on an ongoing basis during the legislative session and we will intermittently assess its effectiveness in determining its continuation. If you are interested in receiving or discontinuing the legislative updates, contact Erin Haafke by email at erin.haafke@iowa.gov.

Regards,
Joel Wulf
DEA Legislative Liaison

■-□-■ ELDER AFFAIRS FEATURE PROGRAM ■-□-■ Older American's Act

- ❖ The Older Americans Act (OAA) was enacted in 1965 to promote the well-being of older persons and help them remain independent in their communities. The Administration on Aging (under the U.S. Department of Health and Human Services) distributes federal OAA funds to states, which, in turn, designate Area Agencies on Aging that provide information and services to older persons.
- ❖ In order for a state to be eligible to participate in OAA programs, the state must designate a State Unit on Aging. In Iowa, the State Unit on Aging is the Department of Elder Affairs. In FY 2004, this Act provided over 18 million dollars in Federal funding to the Iowa Department of Elder Affairs.

"The longer I live
the more beautiful
life becomes."

- Frank Lloyd
Wright

Under the OAA, DEA is federally mandated to:

- ❖ Be primarily responsible for the planning, policy development, administration, coordination, priority setting, and evaluation of all State activities related to the objectives of the OAA.
- ❖ Serve as an effective and visible advocate for older individuals by reviewing and commenting upon all State plans, budgets, and policies which affect older individuals and providing technical assistance to any agency, organization, association, or individual representing the needs of older individuals.

■-□-■ 2005 LEGISLATIVE PROPOSALS ■-□-■

The following is an overview of the bills the Department has pre-filed. They are currently under consideration by the Governor's office and are subject to change.

235B and 231.56A – Dependent Adult Abuse and Elder Abuse Initiative, Emergency Shelter, and Support Services Projects

The DEA is submitting the following language recommendations by the Dependent Adult Abuse Protection Advisory Committee:

- ❖ Clarifies definition of dependent adult
- ❖ Adds a definition of at risk older adult
- ❖ Adds language for a system of alignment, prevention and provides guidance and clarity on where to refer individuals in need that do not meet the dependent adult abuse criteria.
- ❖ Adds language to assist an individual in need in the least restrictive manner.
- ❖ Allows protection to an individual experiencing financial exploitation by allowing injunctive relief against the alleged perpetrator.

231 – Technical Changes

- ❖ Adds statutory definition of HCBS services
- ❖ Removes the responsibility of statewide coordination of the resident advocate program from the Area Agencies on Aging. As of July 1, 2004, this program centralized within the Department of Elder Affairs.
- ❖ Relocates the Retired Senior Volunteer Program to the Iowa Commission on Volunteer Services
- ❖ Other technical changes

231B – Elder Group Homes

- ❖ Aligns EGH with assisted living programs. To the extent possible, makes policy consistent with assisted living and adult day services.
- ❖ Expands potential client population and allows for provision of limited health related care.

231C – Assisted Living

- ❖ Aligns the definition of ALP with that of Centers for Medicare and Medicaid. Clarifies staffing required 24/7.
- ❖ Clarifies public access to provider application materials in accordance with section 22 of the Iowa Code.
- ❖ Removes the requirement for interpretive guidelines in accordance with Section 17A of the Iowa Code.
- ❖ Allows for the collection of fees for certification for those programs requesting certification via a national body of accreditation.
- ❖ Other technical changes.

231D – Adult Day Services

- ❖ Clarifies staffing requirements.
- ❖ Adds missing definitions
- ❖ Removes the requirement for interpretive guidelines in accordance with Section 17A of the Iowa Code.
- ❖ Clarifies public access to provider application materials in accordance with Section 22 of the Iowa Code.
- ❖ Adds sections related to corporate officer conduct, written contractual agreements, involuntary transfer, informal review, criminal penalties and injunctive relief.
- ❖ Allows for the collection of fees for certification of programs requesting certification via a national body of accreditation.
- ❖ Other technical changes.

Other Issues

- ❖ PACE:
Feasibility study available on DEA website
- ❖ Universal Assessment Tool
- ❖ Building capacity for HCBS

Our Mission:

To provide advocacy, educational, and prevention services to older Iowans so they can find Iowa a healthy, safe, productive, and enjoyable place to live and work.

231E – Office of Substitute Decision Making

- ❖ Iowa is one of six states without an office of substitute decision-making.
- ❖ The Medicare Prescription Drug Improvement and Modernization Act will require decisions to be made related to healthcare and other entitlement programs by Iowa's seniors and disabled individuals who lack capacity to make informed decisions and have no one to act on their behalf.
- ❖ Rationales for this proposed legislation are:
 - Prevents abuse, exploitation and scams
 - Prevents loss of home or savings
 - Assists in determining the appropriate level of care
 - Provides access to needed services for adults whom are unable to consent
 - Provides alternatives to inappropriate or poor decision makers
 - Provides planning for incapacity
 - Is a means of last resort

249.H – Human Services Medical Assistance Advisory Committee (MAAC)

- ❖ Adds Department of Elder Affairs, Iowa Association of Area Agencies on Aging, Iowa Caregivers Association, AARP, and the Iowa Coalition of Home and Community Based Service Providers for Seniors.

■-□-■ DISCLAIMER ■-□-■

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The Legislative Update is distributed electronically during the legislative session by the Iowa Department of Elder Affairs for informational purposes only. Recipients of this update are encouraged to share it with others.

The current issue can also be found on the department's webpage, www.state.ia.us/elderaffairs/, under the "What's New at DEA" heading. Past issues are archived in the "Publications/Information" section.

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